



Town of North Yarmouth

ROADWAY ORDINANCE

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SECTION 1: TITLE

1.1 Ordinance

This Ordinance shall be known and be cited as the Roadway Ordinance (“Ordinance”) within the Town of North Yarmouth (“Town”).

SECTION 2: PURPOSE

2.1 Purpose

This Ordinance is intended to assure the safety, health, welfare, comfort, and convenience of North Yarmouth citizens by regulating the movement and parking of motor vehicles on public ways. To include building and constructing, accepting, maintaining, and working in the right of way of public roads within the boundaries of the Town.

SECTION 3: GENERAL PROVISIONS

3.1 Exclusive Authority

The municipal officers have the exclusive authority to enact and amend all traffic ordinances in the municipality, subject to the following provisions in Title 30-A M.R.S. § 3009.

3.2 Administration

The Road Commissioner or his or her designee shall administer this Ordinance. The Code Enforcement Office shall issue applications and permits.

3.3 Enforcement

This Ordinance is enacted pursuant to Title 30-A M.R.S. § 3001-3009 and Title 29 M.R.S. § 1111. This Ordinance can be enforced by any authorized law enforcement officer of the Cumberland County Sheriff’s Office, Maine State Police, or other contracted law enforcement officer for the Town of North Yarmouth. Any fees or fines collected by the district court shall be recoverable for the use by the Town of North Yarmouth. All state of Maine traffic laws are now incorporated herein by reference. No person shall violate any motor vehicle law of the state within the Town of North Yarmouth.

3.4 Appeals

All decisions of the Road Commissioner, Fire Rescue Chief, Code Enforcement Officer, and Planning Board, pursuant to this Ordinance, may be appealed by any aggrieved party to the Board of Appeals within thirty (30) days in accordance with the provisions of the Board of Appeals. The Board of Appeals shall have the authority to grant a variance from the terms of this Ordinance, where necessary to avoid undue hardship, provided there is no substantial departure from the intent of this Ordinance.

3.5 Conflicts with Other Requirements

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other regulation, permit, ordinance, or statute. Where this Ordinance imposes a higher restriction upon the use of land or structures, the provisions of this Ordinance shall control. This Ordinance supersedes the Traffic and Parking Ordinance, Vehicle Weight Ordinance, the Winter Snow Ordinance, Road Naming and Property Naming Ordinance, and the Roadway Criteria and Specification Policy enacted by the Town of North Yarmouth.

3.6 Severability

If any portion of this Ordinance shall be held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4: PARKING AND TRAFFIC CONTROL

4.1 Town Way

A Town Way shall mean an area or strip of land designated and held by a municipality for the passage and use of the general public by motor vehicle, bicycle, and walking; and all town or county ways not discontinued or abandoned before the effective date of this Ordinance.

4.2 Parking Time Limits – Village District Area

Parking in the Village District is limited to four (4) hours, in any on street municipal parking spaces. Time limited to four (4) hours from arrival to a municipal on street parking space to when the vehicle must be moved.

- A. Memorial Highway (Rte. 9) from Parsonage Road to Walnut Hill Road (Rte. 115)
- B. Walnut Hill Road (Rte. 115) from Parsonage Road to Pea Lane
- C. Cumberland Road (Rte. 9) from Pea Lane to Walnut Hill Road
- D. Pea Lane from Walnut Hill Road (Rte. 115) to Cumberland Road (Rte.9)
- E. Parsonage Road from Memorial Highway (Rte. 9) to Walnut Hill Road (Rte. 115)
- F. ~~Dalmatian Drive~~ The area between the Fire Rescue Facility and the Village Green from Walnut Hill Road (Rte. 115) to Memorial Highway (Rte. 9)

4.3 Authority to Place a Temporary Traffic Control Device

The Fire Rescue Chief, Road Commissioner or other law enforcement agency acting for the Town, are authorized to place temporary, no parking signs, detour signs, and or to route traffic by personnel of the Town, in circumstances of emergency or congestion such as but not limited to, fires, accidents, natural disaster, funerals, church services, parades, sporting events, road maintenance or where a private business location requires directional control for public safety and convenience during a fire, accident, emergency, or special event. A Police Officer, Fire

Rescue Chief, or Road Commissioner may temporarily close a road or way to vehicular traffic or of vehicles of a specific description or divert pedestrian or vehicular traffic.

4.4 Prohibitions

- A. Prohibited Parking: No person shall stand or park a vehicle upon any street, road, or way for the principal purpose of displaying for sale, washing, greasing, or repairing such vehicle except for repairs necessitated by an emergency. Or for the sale of any personal property, or for the exercise of any business, profession, or calling.
- B. Stopping, Standing, or Parking-Prohibited at Specific Locations: No person shall stop, stand, or park a vehicle in any of the places listed below. Nor shall any person move a vehicle not owned by themselves into any said locations, except when necessary to avoid conflict with other traffic or in compliance with the direction of a Police Officer, Fire Rescue personnel, or other authorized person or traffic control device.
1. In front of a public or private driveway.
 2. Within thirty (30) feet of the radius of an intersection.
 3. Within ten (10) feet of a fire hydrant.
 4. Within thirty (30) feet upon the approach to any flashing beacon, stop sign or other traffic control signal located at the side of the road.
 5. Within thirty (30) feet of the Fire Rescue Station driveway entrance or on the opposite side of the street from same.
 6. Within fifty (50) feet of Public Works Way and on the opposite side of the road of the entrance.
 7. Alongside any street excavation or obstruction when such stopping standing or parking would obstruct traffic.
 8. Upon any bridge, causeway, elevated structure, or areas protected by guard rails without a six (6) foot wide shoulder suitable for parking.
 9. Any place where official signs prohibiting parking, stopping, or standing.
 10. Within any designated Fire Lane in parking lots, whether private or public owned.
 11. No person shall place, maintain, display upon, or in view of any road, street or highway any unauthorized sign, signal, marking or device which purports to be, or is imitation of, or resembles an official traffic control device, sign, or signal or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device, sign or signal. And no person shall place or maintain any traffic signal, sign or device bearing thereon, any commercial advertising.

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12. No person shall attempt to, or, in fact alter, deface, injure, knock down, add too, or remove any official traffic control device.
- C. Obstructing Traffic: No person shall place, unauthorized signs, cones or barricades, other than required for utility or road maintenances as required by the Manual on Uniform Traffic Control Devices "MUTCD", rocks, stones, snow, ice, brush, limbs, lawn debris, grass clippings, leaves, dig or destroy the traveling service or right of way in the attempt to obstruct traffic on any town road, street or way and leaves the obstruction there. Fines will be assessed per the Fee Schedule Ordinance.
- D. Snow Accumulation: No parking is allowed when the road lane width is decreased by reason of snow accumulation, or by any other reason, to less than eleven (11) feet. The Road Commissioner is authorized to prescribe temporary traffic and parking regulations and to place any traffic control devices as may be necessary to give notice to of such regulations.
- E. Snow Removal Emergency Periods: The period beginning October 15th to April 15th is hereby declared to be a snow removal emergency period. During this period, no vehicle shall be parked in such a manner as to hinder the plowing or removal of snow from the roads, streets and ways. Nor shall any overnight parking be allowed. The Road Commissioner shall place temporary public notice of no parking in the Village District area designated parking areas prior to snow removal operations, to include notifications through the Town website and other public notice systems.
- F. Obstructing/Traveling on Sidewalks: Riding of snowmobiles and ATVs is prohibited on Town plowed sidewalks nor shall any motor vehicle in any way block, park, stand, or obstruct any Town sidewalk except for Town municipal vehicles or agents of the Town in conjunction with maintenance activities.
- G. Through Traffic of Motorized Vehicles Prohibited: Through traffic by motorized vehicles, and trucks over 23,000 pounds GVW (Gross Vehicle Weight) shall be prohibited or restricted on all town roads, streets, and ways as listed:
1. ~~Dalmatian Drive Area between the Fire Rescue Facility and the Village Green~~: Through traffic is prohibited from traveling either direction from Walnut Hill Road (RTE 115) to Memorial Highway (RTE 9) by using ~~Dalmatian Drive the area between the Fire Rescue Facility and the Village Green (Fire Rescue Facility)~~. All public use of the Fire Rescue Facility from the bayside driveway is prohibited; use is permitted by first responders and emergency vehicles only. The rear driveway area is public use, as regulated by signs.
 2. Walnut Hill Cemetery: Through traffic through the Walnut Hill Cemetery from Walnut Hill Road to Parsonage Road, access from the Public Works Facility, in either direction, is prohibited.

4.5 No Parking Locations

3. Routes 115 and 231 (Walnut Hill Road, New Gloucester Road, Gray Road): Intersection area, 500 feet from intersection both sides of street.

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4. Route 115 (Walnut Hill Road) from Parsonage Road intersection to Pea Lane intersection: Both sides of road, to exclude authorized on street parking areas.
 5. The Lane: 500 feet from intersection of Route 115 (Walnut Hill Road) area of 95 The Lane (Skyline Farm), no parking both sides.
 6. Route 9 (Hallowell Road): Area of 262 Hallowell Road (Northern Lights Auction Hall) opposite side of the road.
 7. Route 9 (Memorial Highway): Sweetser Road intersection to Walnut Hill Road intersection to exclude authorized on street parking areas to both sides of the highway.
 8. Route 9 (Cumberland Road): Pea Lane to intersection of Walnut Hill Road to exclude authorized on street parking areas.
 9. Route 231 (New Gloucester Road): Area of 712 New Gloucester Road (Gallants Garage) opposite side of road.
 10. Sligo Road - area of 925: Toddy Brook Golf Course. No parking both sides of road.
 11. Parsonage Road: Area of Wescustogo Hall & Community Center and the Town baseball field. No parking opposite side of road.
 12. Public Works Way: No parking within 50 feet of Public Works Way on both sides of the road. Exception - Parking on the right side of street closest to ball field.
 13. Route 115 (Walnut Hill Road): Area of 137 Walnut Hill Road (Toots Ice Cream). No parking opposite side of Road.
 14. Route 115 (Walnut Hill Road): Area of 655 Walnut Hill Road. No parking either side of road.
 15. Route 115 (Walnut Hill Road) Route 9 (Memorial Highway): Area of the Fire Rescue Facility. No parking near entrance or exits of public safety building.

4.6 Road Closure for Specially Planned Events – Private Construction, Parades, Bike Races, Festivals, Fairs, and any other approved event:

Any road closures requested by Town committees or private organizations for special preplanned events must have a road closure plan and permit. The permit is available at the Code Office; all town roads, streets, or ways requested to be closed shall have a closure plan reviewed by the Fire Rescue Chief, Cumberland County Sheriff's Office, Code Enforcement Officer, Town Manager, and Road Commissioner. The closure plan will include a "plan of action" - dates, times, specific time to set up and removal of signage, and an explanation of how emergencies will be handled. A traffic control plan is part of the closure plan. The traffic control plan should ensure the safety of all road users, motorists, bicyclists, and pedestrians, including

those with disabilities - specifics of trained personnel who will be needed to oversee both on-site traffic and any detour traffic.

Detour signs will be required for any road closures lasting more than twenty (20) minutes. Changeable message signs may be requested for closures lasting more than sixty (60) minutes.

Public notification must take place with one (1) local media source, the Town Office, and signs with times and dates about the closure, to the road using public at least fourteen (14) days before the road closure, and is the responsibility of the organization sponsoring the event.

Any road closures for preplanned special events that will affect Routes 9, 115, 231, and the North Road from Route 9 to the Yarmouth town line will need a closure plan that must be approved by the Maine Department of Transportation "MDOT". Contact the MDOT (Scarborough Office).

4.7 Stop Signs

- A. Obedience to Stop Signs: The operator of any vehicle shall bring such a vehicle to a full stop immediately before entering or crossing an intersection at which a stop sign has been erected. Yielding the right of way to all pedestrians or vehicles approaching from either direction on the intersecting street. Whenever a Police Officer, Public Safety or trained Flagger is stationed at such an intersection, they have the right to regulate the traffic threat.
- B. Placement of Stop Signs: Placement of stop signs will be as directed by the Road Commissioner and or Town Manager and approved by the Select Board.
- C. Stop Signs on Private Roads with more than three (3) Addresses Assigned: A stop sign will be posted at the intersection of any private street, road, or way that has more than three (3) addresses assigned. The Road Association shall have the responsibility to maintain and replace the stop sign as needed. The Town may replace signs and posts as needed, the cost to be assumed by the Road Association. The Town will replace only with standard u-channel metal post systems. All stop signs posted by the Town or private party MUST meet MUTCD requirements.
- D. Stop Signs will Regulate Traffic Entering a Public Road: Stop sign shall meet MUTCD requirements, R1-1, 24 x24 engineer-grade reflectivity on an aluminum sheet at a minimum. Sign to be mounted on a post that shall have a breakaway system to prevent a "fix deadly object," as defined in Title 23 M.R.S. §1401-A. If the signpost is struck by a vehicle, it must easily break away. 4X4 wooden post, two (2) inches or less round in diameter steel or aluminum pipe, or standard u-channel metal signposts with breakaway systems are acceptable. Signpost shall support 911 street identification signs if appropriate for the location.
- E. Temporary Work Zone Stop Signs: The operator of any vehicle shall bring such a vehicle to a full stop immediately before entering such a work zone that a temporary stop sign or signal has been placed. Said vehicle operator shall proceed as directed by a flagger or posted sign. Temporary stop signs shall be preceded by a work zone signs such as "Work Area", "One-Lane Road", and/or "Be Prepared to Stop and Stop ahead". Stop signs may also have a "Proceed When Clear" sign.

4.8 Special Road Warning Signs

A special road warning sign can be for, but is not limited to, an autistic child, a handicap child, children playing, a specific animal type crossing, blind driveways, etc. A person or organization may request a special road warning sign to be posted, however, it shall be the sole discretion of the Road Commissioner if the sign can be placed in the right of way and has a reasonable need to exist. All signs must comply with MUTCD. All sign installations shall be paid for by the requesting party to include 811 dig safe marking, sign, post, and labor. Only the North Yarmouth Public Works Department shall install signs in the right of way within the boundaries of North Yarmouth, no exceptions.

4.9 Temporary One-Way Streets

In the event of an emergency which would endanger the safety, health, and welfare of the inhabitants of North Yarmouth or property located herein shall require one-way traffic for the avoidance of congestion; temporary one-way streets shall be established. Public Safety agencies/officers acting for the Town, the Fire Rescue Chief, Road Commissioner, and or the Town Manager shall have the power to designate town roads, streets, ways or parts of roads, streets, or ways subject to one-way traffic. This designation shall only be temporary and effective only when signs are conspicuously placed on or around the entrances and exits of the affected areas. Such signs shall be removed at the termination of the emergency. In addition to the emergency conditions above, the following occasions shall be acceptable for the application of the above authority on a preplanned basis:

- A. Any event, meeting, or occurrence attracting or likely to attract a large number of persons.
- B. Any excavation, construction, or other repair activities to roads, streets, ways, or bridges.

4.10 911 Street Identification Signs

Any public or private road, street, or way, assigned a name under the Street Naming and House Numbering System for 911 emergency reporting, shall have a sign placed at any intersection of a road, street, or way of a different name. Signs shall be reflective at a minimum of engineer-grade, nine (9) inch flat aluminum.

- A. Public Streets: Green background with white letters.
- B. Private Roads: White background with green letters.

There are no exceptions. It will be the Town's responsibility to place and maintain posts and signs - cost to be borne by Road Association. The Code Enforcement Officer will administer 911 street identification signs with the review of Fire Rescue Chief. The Public Works Department will conduct the fieldwork for placement.

4.11 Naming of Roads, Streets, and Ways

All newly constructed roads, streets, or ways, public or private, and road, street or way name changes to existing named roads, public or private, shall follow the 911 emergency reporting guidelines for addresses as administered by the 911 GIS Coordinator, Public Utilities Commission, and Emergency Service Communication Bureau. All street names must be approved by the Town Manager, Code Enforcement Officer, Fire/Rescue Chief, and Road Commissioner.

- A. New Town Owned and Maintained Roads: Any new road built or created by the Town or new roads presented by developers for Town acceptance with a proposed name, will be reviewed by the Code Enforcement Officer, Fire Rescue Chief, and the Road Commissioner. The Town Manager will review and present the proposal and recommendations to the Select Board for consideration to be voted on at a Town Meeting.
- B. Road Name Changes (private): Current private road name changes must pass the 911 GIS system, have good cause, and all abutters to the right of way of the private road, street, or way, must sign off in agreement. Furthermore, the agreement must have approval from the Code Enforcement Officer, Fire Rescue Chief, and Road Commissioner before the agreement is finalized by the Select Board.
- C. Road Name Changes (public): Current public road name changes must pass the 911 GIS system, Fire Rescue Chief, Code Enforcement Officer, Road Commissioner, and must be petitioned, have good cause, and signed with 10% of the registered voters from the last gubernational election. The petition will then be verified by the Town Clerk and Town Manager before being presented to the Select Board. The Select Board must hold a public hearing on the proposed name change before voting to accept (or refuse) the change.
- D. Road Number Assignment: The assignment of numbers to properties, both on existing and proposed roads, shall be the responsibility of the Code Enforcement Officer or his or her designee. Each residence and business property shall have a number indicating its position on the street on which it is located.
 1. Compliance: All owners of structures shall display and maintain in a conspicuous place on said structure the assigned number(s) in the following manner.
 - a. Within sixty (60) days of written notice from the Town that a number has been assigned to a dwelling, place of business, or building, the owner, occupant, or person in charge shall display the assigned number on the exterior of the dwelling, place of business or building or in some other location on the premises, so that the number is conspicuous and legible from the road.
 - b. The number must be made of reflective materials and contrast with the background materials and colors, and be a minimum of four (4) inches high.

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- c. Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number given in conformance with this ordinance and Emergency 911 regulations.
 - d. On new roads, the owner shall install road signs before any permits being issued by the Code Enforcement Officer for anything relating to that road or relevant development.
 - e. The owner shall install numbers on new structures before the Code Enforcement Officer issues an occupancy permit.
2. Enforcement: Any person, firm, or in the case of a corporation or association, any violation of these provisions shall be subject to a fine for each offense, and each day such violation exists shall constitute a separate offense.

4.12 Speed Limits

All speed limits on state, state aid, and municipal roads within the boundaries of the Town of North Yarmouth are established and controlled by Maine State Law. (Title 29-A M.R.S. § 2073 § 1 & Title 29-A § 2075 § 3)

SECTION 5: WEIGHT REGULATIONS

The following rules regulate the weight of individual vehicles on town-maintained roads. The restrictions imposed prevent safety hazards and damage to the roads. Any reference to a Title and § of a Maine Revised Statutes (“M.R.S.”) shall include any amendments, whenever enacted, to the reference title and § unless the amendments support a result that is inconsistent with the purposes of this Ordinance, in which case the amendments shall be disregarded.

5.1 Gross Weight

Gross Weight shall mean the total weight of the vehicle and its load. A vehicle and any attached trailer or semi-trailer shall be considered one vehicle for purposes of determining gross weight. The empty vehicle weight, as stated by the manufacturer, shall also be determining evidence of a violation of this Ordinance.

5.2 Seasonal Road Restrictions

When signs are erected, and prior notice with a list of affected roads are given to the public, no person shall operate any vehicle or combination of vehicles with a gross vehicle weight over 23,000 pounds, pursuant to Title 29-A M.R.S. § 2395 and the provisions of this Ordinance. Signs erected to give notice of seasonal closing shall be conspicuously posted at each end of the designated section or way. They shall specify the section or way affected, the periods for closing, and applicable restrictions and exemptions.

The Road Commissioner or Town Manager, at their sole discretion, may issue an exemption permit to suspend the seasonal road restriction if the road is solidly frozen to the extent necessary to allow overweight vehicles to use without damage.

The Road Commissioner or Town Manager, at their sole discretion, may suspend the seasonal road restriction before the advertised end date when the road is safe to resume heavyweight traffic. The Road Commissioner or Town Manager shall notify the public of the suspension of the seasonal weight restrictions.

Road postings include **ALL** town-maintained roads and ways that are posted each season. Exception: North Road between Route 9 and Route 231.

5.3 Emergency Road Restrictions

If the Road Commissioner or Town Manager determines that an emergency exists, which required the immediate enactment or removal of a restriction, alteration, or amendment, they may enact the necessary limitation, modification, or modification without notice and public hearing.

Enactment shall be valid as soon as signs are erected giving notice.

Any restriction, alteration, or amendment enacted or removed as an emergency measure shall only remain in effect for twenty (20) days or less from the date signs are erected.

5.4 Permanent Road Restrictions

Any permanent restriction, amendment or removal of a limitation proposed by the municipal officers pursuant to this Ordinance shall be enacted after public notice and a public hearing.

A. Roads with permanent weight restriction are as follows:

1. Lufkin Road - New Gloucester Road (Route 231) to end. Weight restricted to 23,000 pounds.
2. Mountfort Road - Hallowell Road (Route 9) to the Town of Yarmouth town line. Weight restricted to 23,000 pounds.

5.5 Exempt Vehicles

The following vehicles are exempt from this Ordinance:

- A. Any vehicle engaged in road maintenance under the direction of the municipality.
- B. Authorized emergency vehicles, as defined in Title 29-A M.R.S. § 2054.
- C. School buses.
- D. A wrecker towing a disabled vehicle of legal weight from a posted road.
- E. Vehicles with three axles or less under the direction of a public utility and engaged in utility infrastructure maintenance or repair.

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- F. Any two-axle vehicle registered for a gross weight in excess of 23,000 pounds and less than or equal to 34,000 pounds that are carrying any particular commodities, as defined in the Maine Department of Transportation (“MDOT”) rules:
 - 1. Home Heating Fuel
 - 2. Petroleum Products
 - 3. Groceries
 - 4. Bulk Milk
 - 5. Bulk Feed
 - 6. Solid Waste
 - 7. Animal Bedding
 - 8. Returnable Beverage Containers
 - 9. Sewage from Private Septic Tanks or Porta-Potties
 - 10. Medical Gasses
 - 11. U.S. Mail
 - G. Any vehicle or special equipment operating with an exemption permit from the Town of North Yarmouth.
 - H. Any vehicle or combination of a vehicle registered for a gross weight in excess of 23,000 pounds and traveling without a load other than tools or equipment necessary for the proper operation of the vehicle. This exemption does not apply to special mobile equipment. A current dated weight scale ticket must accompany the vehicle.
 - I. Town contracted rubbish packers engaged in servicing residencies for the removal of household waste/recycling curbside only. This exemption is not to include waste from the demolition of buildings, land clearing or other waste generating activities.

SECTION 6: ROAD ACCEPTANCE

6.1 Town Acceptance of Roads - New construction and existing private roads petition procedure.

- A. Outline submittal of proposed Road Permit Application and Town Road Acceptance petition to the Road Commissioner, Code Enforcement Officer, and Town Manager. All costs associated with the Town Road Acceptance petition will be the responsibility of the petitioner. Only paved road will be considered.
- B. Site visit by Road Commissioner and Code Enforcement Officer.
- C. Planning Board review of application.
- D. Road Permit granted (if applicable).
- E. Road constructed and inspected.
- F. Engineer certification (If applicable).

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- G. Certificate of Compliance by the Road Commissioner, Code Enforcement Officer, and Planning Board.
 - H. Town Road Acceptance petition to Town Manager for Select Board review and warrant assignment.
 - I. Town Meeting vote on petition.

6.2 Review by Road Commissioner, Fire Rescue Chief, Code Enforcement Officer, and Planning Board

The petitioner begins by submitting four (4) copies of both the Road Permit Application and Town Road Acceptance petition to the Road Commissioner, Code Enforcement Officer, Planning Board, and Town Manager.

The Town Road Acceptance petition must submit an acceptable legal description of the property that the owner intends to dedicate to the Town for highway purposes, which affirms that the owner waives any claim for damages. If within a subdivision, the dedication must record the plan filed with the Cumberland County Registry of Deeds. The submittal must also indicate whether the commitment is for full title or a public easement.

To be considered at a meeting of the Planning Board, both the Road Permit Application and Town Road Acceptance petition must be filed at least fifteen (15) days prior to the meeting. The Road Commissioner, Fire Rescue Chief, and Code Enforcement Officer will conduct a review and or site visit per the private road application but shall not issue a permit until the Planning Board has had an opportunity to review the Road Permit Application and Town Road Acceptance petition. The Road Commissioner, Code Enforcement Officer, and petitioner shall attend the Planning Board meeting in which the application is considered.

The Road Commissioner shall make a recommendation as to whether the proposed road or road plans appear to satisfy the Ordinance for a road to be accepted by the Town. The Planning Board shall review the application for completeness. When the application is considered complete, the Road Commissioner and Planning Board shall jointly issue a road permit for the construction of a new road or alteration of an existing way to meet designated standards. If either party refuses to sign the road permit, the permit shall be considered denied. The applicant may appeal the decision to the North Yarmouth Board of Appeals.

6.3 Town Road Acceptance Petition Delivered to Select Board

After obtaining the Certificate of Compliance, the petitioner shall file a Town Road Acceptance Petition with the Town Manager for Select Board review and warrant assignment. This procedure is otherwise as directed in Title 23 M.R.S. § 3025. The requirements for the petition, which must be originally filed with the Road Commissioner, Code Enforcement Officer, and Town Manager are outlined in section 6.4.

After receiving a public dedication for a road that has been issued a Certificate of Compliance, the Select Board shall prepare an appropriate warrant article for a town meeting asking whether the town wishes to accept the dedication. The article will specify whether the commitment is for a public easement or town way.

The Select Board may also initiate purchase and acceptance of a road they wish to layout as a town way, requiring the authorization of funds in addition to approval at a town meeting.

6.4 Required Information for Road Acceptance Petition Submission

- A. All information required for a Road Permit Application, is outlined in Section 7 of this Ordinance.
- B. Classification of the proposed road (through road, minor road, dead-end road).
- C. Description of all road safety and identification signs meeting the Manual on Uniform Traffic Control Devices (“MUTCD”) and Town standards is to be provided.
- D. Description of any ongoing or future costs associated with proposed road, such as the number of catch basins, streetlights, mowing of open spaces included with acceptance, road paint striping, etc.
- E. Description of how the road will be maintained before acceptance, or history of maintenance if on an existing roadway.
- F. All road plans, profiles, and cross-sections shall be prepared by a professional engineer, registered in the State of Maine.
- G. For existing roads, that original as-built plans cannot be located, a report with test borings and surveys with pins situated, must be prepared by a professional engineer, registered in the State of Maine, as to how the road was laid out and constructed.

6.5 Conditions for Certificate of Compliance

- A. All road permit requirements of Section 7 plus the following:
- B. Construction Standards Minimum Requirements.

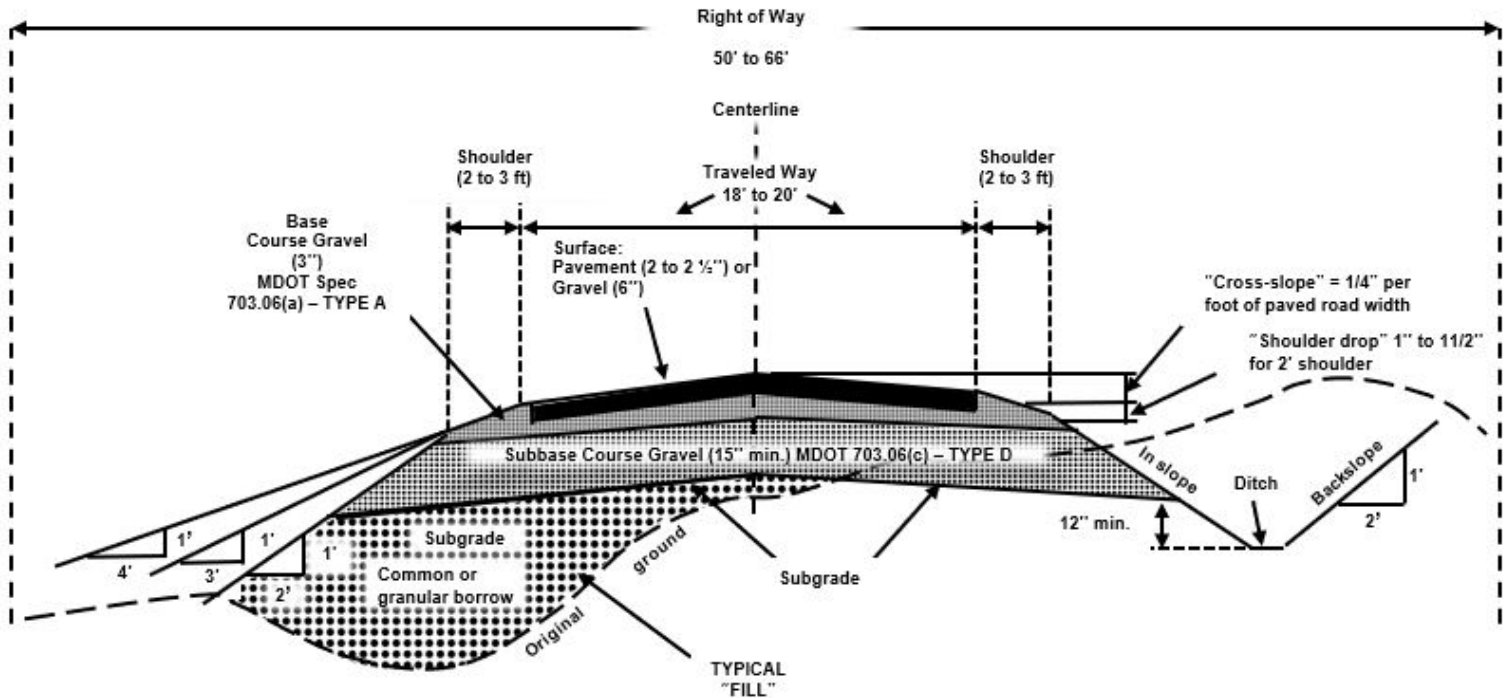
The following standards are minimum requirements. The applicant may request that the amount of road base gravel be reduced if the land under the road is stable. The Road Commissioner may authorize a reduction in gravel depth standard if found unnecessary to support the proposed road adequately.

Description	Minor & Dead-End Roads	Through Roads
Width of Right of Way	50 ft.	66 ft.
Width of Traveled Way	18 ft.	20 ft.
Width of Each Shoulder	2-3 ft.	2-3 ft.
Road Base Gravel (maximum 6-inch stones)	18 inches	18 inches
Surface Gravel (maximum 2-inch stones)	6 inches	6 inches
Bituminous Paving (or equivalent)	2 inches	2 ½ inches
Sub Base Course Gravel (Pavement)	Type D Spec 703.06(c) (MDOT)	Type D Spec 703.06(c) (MDOT)
Base Course Gravel (Pavement)	Type A	Type A

	Spec 703.06(a) (MDOT)	Spec 703.06(a) (MDOT)
Gravel Roads	Type A or Type B Spec 703.10 (MDOT)	Type A or Type B Spec 703.10 (MDOT)
Road Crown	¼-½" per ft.	¼-½" per ft.

For paved roads, compacted thickness of base course is 18" compacted in 9" lifts.

For gravel roads, maximum stone size is 2".



6.6 Cuts

Eighteen (18) inches of gravel plus a six (6) inch (gravel) surface shall be used in all cut sections of earth and ledge except where existing material is clean, well-draining sand or gravel, the base may be lessened to twelve (12) inches. The bottom of the ditch shall be a minimum of 38 inches below the centerline grade of the road.

6.7 Drainage

Adequate provision shall be made for the disposal of all surface water and underground water through ditches, culverts, underdrain, and stormwater drainage systems. Complete underground storm sewer systems shall be installed when required by the Planning Board and Road Commissioner. Culverts shall be not less than fifteen (15) inches in diameter. Catch basins shall be no less than thirty (30) inches in diameter. All culverts shall be made of materials approved by the Road Commissioner. All culverts shall be designed to accommodate, at a minimum, the anticipated twenty-five (25) year flood level.

- A. Where bridge structures, aluminum plate culverts, or reinforced concrete box, culverts are required to cross major streams, detailed design plans provided by a certified

professional engineer, registered in the State of Maine, shall be submitted with the application. All bridges, arched culverts, and reinforced concrete box culverts shall be designed to accommodate, at a minimum, the anticipated fifty (50) year flood level and follow smart stream crossing guidelines.

- B. A plastic perforated underdrain pipe, or one made of other material approved by the Road Commissioner. It shall be at least six (6) inches in diameter and shall be installed to properly drain all springs or areas where the groundwater level is too high and could constitute a hazard to the stability of the roadway base

6.8 Signage

All safety and identification signs shall be supplied by the petitioner and meet the requirements of MUTCD.

6.9 Inspection During Construction

It is the responsibility of the petitioner to provide the Road Commissioner and Code Enforcement Officer with a construction schedule. The Road Commissioner shall serve as the inspector and may call upon the Code Enforcement Officer, Planning Board, or other knowledgeable persons to serve on an inspection team. Each layer of the road base, including the sub-base, base, surface gravel, and hot mix asphalt pavement, must be inspected before the road can be considered acceptable according to the requirements in this Ordinance. There will be a fee assessed per inspection, as established by the Select Board.

6.10 Engineer Certification

Once a road to be offered to the Town is completed, the petitioner shall submit in a written certification signed by a professional engineer registered in the State of Maine stating that the road was designed and built, meets or exceeds the design and construction requirements of this Ordinance.

6.11 Waiting Periods

- A. New construction, less than two (2) years old - waiting period for roads constructed already constructed:

There will be a two (2) year waiting period following a request to designate a roadway that was not inspected at the time of construction as a town road. If the roadway appears to meet all the criteria of this Ordinance following an inspection, the waiting period will then begin. The road will be inspected at various intervals during and after the waiting period. There will be a fee per inspection, as established by the Select Board.

- B. Existing Roads, two (2) years or older:

The road must meet all construction requirements of this Ordinance. The petitioner shall submit in a written certification signed by a professional engineer, registered in the State of Maine, that the road was designed and built to meet all criteria of this

Ordinance. It will include as-built plans, subdivision plans, or surveys, test boring reports, cross-sections, infrastructure inventory and inspection reports, and maintenance history of the road. After inspection of the road by the Road Commissioner, Code Enforcement Officer, Fire Rescue Chief, and a review of the Inspection report by the Planning Board a list of deficiencies and required repairs will be developed and returned to the petitioner. It will be the responsibility of the petitioner to provide the Road Commissioner and Code Enforcement Officer a road repair construction schedule, work to be completed in one (1) year. All phases of repairs must be inspected during the repair. The Road Commissioner shall be the inspector and may call upon the Code Enforcement Officer, Planning Board or other knowledgeable persons for an inspection team. After required repairs have been completed, the petitioner will submit a written certification report, signed by a professional engineer, registered in the State of Maine, that the road repairs bring the road up to as-built conditions, to meet the requirements of the Ordinance. A final review by the Planning Board before the application and or petition is considered complete. There will be a fee per inspection, as established by Select Board.

6.12 Two (2) Year Guarantee Following Acceptance

The petitioner agrees to guarantee for two (2) years following acceptance that the road was built/upgraded in accordance with the construction standards of this Ordinance. After receiving a written notice from the Planning Board, the petitioner agrees to reimburse the Town for repairs resulting from any design or construction defects beyond the normal wear and tear from regular use. If any legal action is brought against the petitioner in the name of the Town to collect the costs for repairing the road, and the Town prevails, then the applicant shall be liable and responsible for the Town's legal fees and court costs and any other costs involved in bringing forth a suit or action.

6.13 Issuance of Certificate of Compliance

The Road Commissioner, Code Enforcement Officer, and Planning Board must rule within sixty (60) days of either:

- A. The receipt of an engineer's certification for a new road; or
- B. The end of a two (2) year waiting period for an existing roadway ;
- C. An engineer's certification of an upgraded existing roadway older than two (2) years on whether or not the road meets the physical requirements of this Ordinance.

The Road Commissioner shall make his or her determination of compliance and sign the Certificate of Compliance if the provisions of this Ordinance have been met. The Code Enforcement Officer and Planning Board shall also confirm and or vote on whether the road appears to meet the requirements of this Ordinance. If a majority vote in favor, the Chairperson or, in the Chairperson's absence, their designee shall also sign the Certificate of Compliance on behalf of the Planning Board. If any party rejects the petition, the road may not be presented for acceptance at Town Meeting. The petitioner may appeal the decision to the Board of Appeals.

SECTION 7: ROAD PERMITS

7.1 Preliminary Requirements

- A. Construction of any road, or
- B. Paving, widening, or altering the grade or drainage of an existing private road that intersects a town road, a person must obtain a Road Permit from the Road Commissioner.
 - 1. Applicants for proposed roads that will provide access to Routes 115, 9, 231, or North Rd (from Route 9 to the Town of Yarmouth town line) must also obtain an Entrance Permit from the MDOT (Scarborough office) prior to construction. Culverts and sight distance on these roads are governed by the state, rather than the Town.
 - 2. Roads that will be offered to the Town for acceptance must also comply with the provisions of section 7.5 and 6.5.
 - 3. A person desiring to build a road involving a stream crossing must obtain a Natural Resources Protection Act Permit from the Maine Department of Environmental Protection and follow the Smart Stream Crossing guidelines.

7.2 Application and Review Procedure

Road permits shall be administered by the Road Commissioner and Code Enforcement Office. Except as specified in this section, the application and review procedure outlined in the North Yarmouth Land Use Ordinance shall be followed in administering road permit applications.

7.3 Fee

The Select Board shall establish the application fee for a Road Permit. Roads to be offered to the Town will be assessed inspection fees as outlined in the Town Fee Schedule Ordinance.

7.4 Application Requirements

The following information shall be submitted to the Road Commissioner and Code Enforcement Office as part of the application for a Road Permit.

- A. Name of applicant(s).
- B. Names of the owners of record of the land.
- C. Any legal encumbrances on the land upon which the proposed road is located.
- D. Statement of who will own the road following construction, by what legal instrument, and who will be responsible for road maintenance.
- E. The estimated volume and type of traffic to use the road.

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- F. The anticipated starting and completion dates of each phase of road construction.
 - G. A description of erosion and sedimentation control measures to be employed during and following construction.
 - H. A description of stormwater management and drainageway provisions, together with supporting assumptions and calculations.
 - I. An illustrated plan displaying:
 - 1. Scale;
 - 2. Direction of magnetic North;
 - 3. Starting and ending point of the proposed road with relation to established roads;
 - 4. Any planned or anticipated future extensions;
 - 5. The boundary lines of all properties abutting the proposed road, including any new lots to be created;
 - 6. All-natural water ways;
 - 7. The location and profile of all existing and proposed drainage structures;
 - 8. The design and profile of thirty (30) feet of the proposed road closest to any town road intersection;
 - 9. If the proposal is to be over 300 feet in length, the design of the emergency vehicle turnaround; and
 - 10. The location of all existing and proposed overhead and underground utilities.
 - 11. Description of proposed road base and surface material.

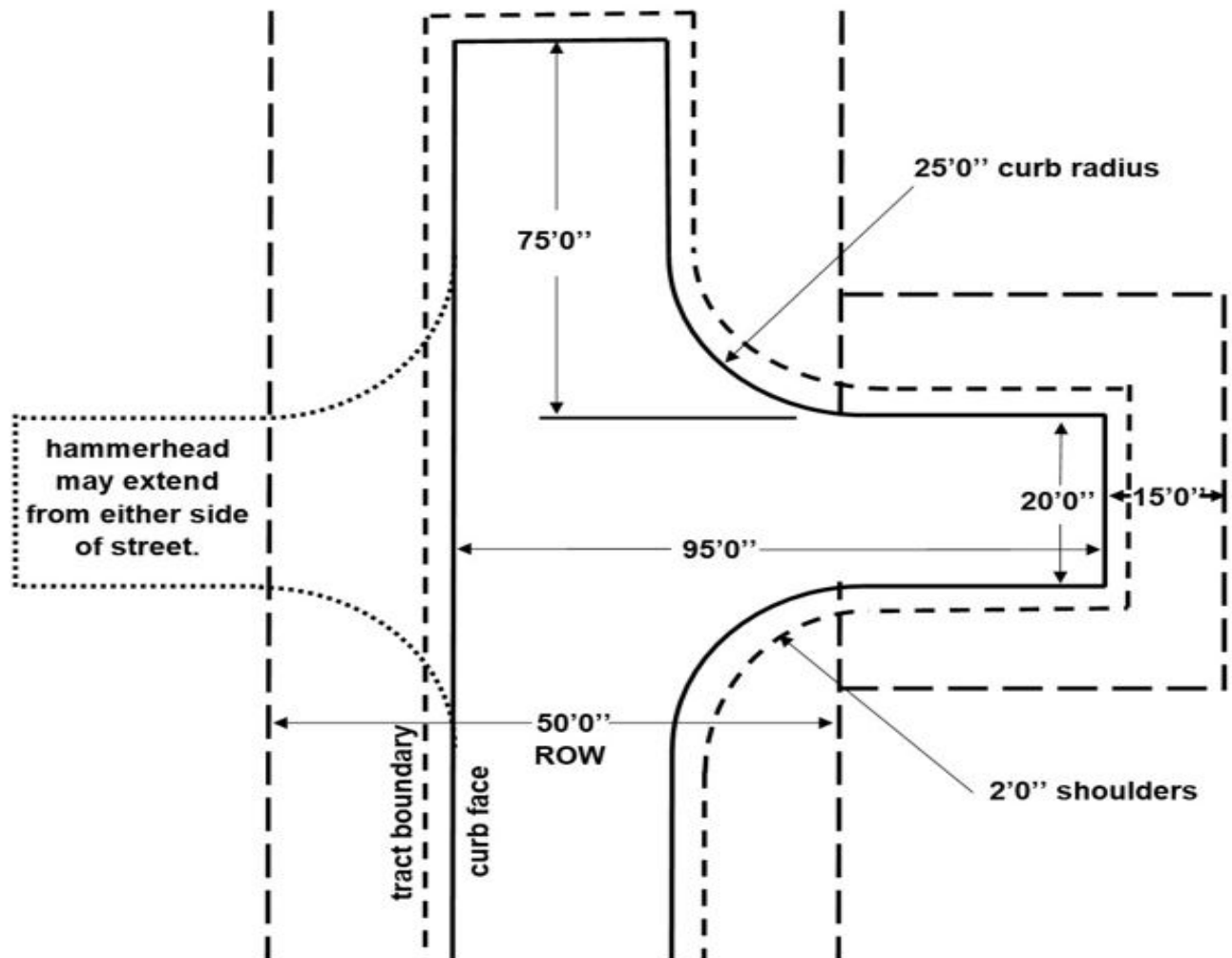
7.5 Conditions for Road Permit Approval - New Roads

For new roads, the Road Commissioner and Code Enforcement Officer shall conduct a site visit of the property and issue a road permit if it is found that the following conditions are met:

- A. Adequate sight distance must follow the table below. It shall be measured from where the driver's seat of a vehicle would be situated ten (10) feet from the edge of the shoulder (behind the curb), with the height of the eye at 3 ½ feet, to the top of an object at four 4 ½ feet above the pavement. (MDOT rules)

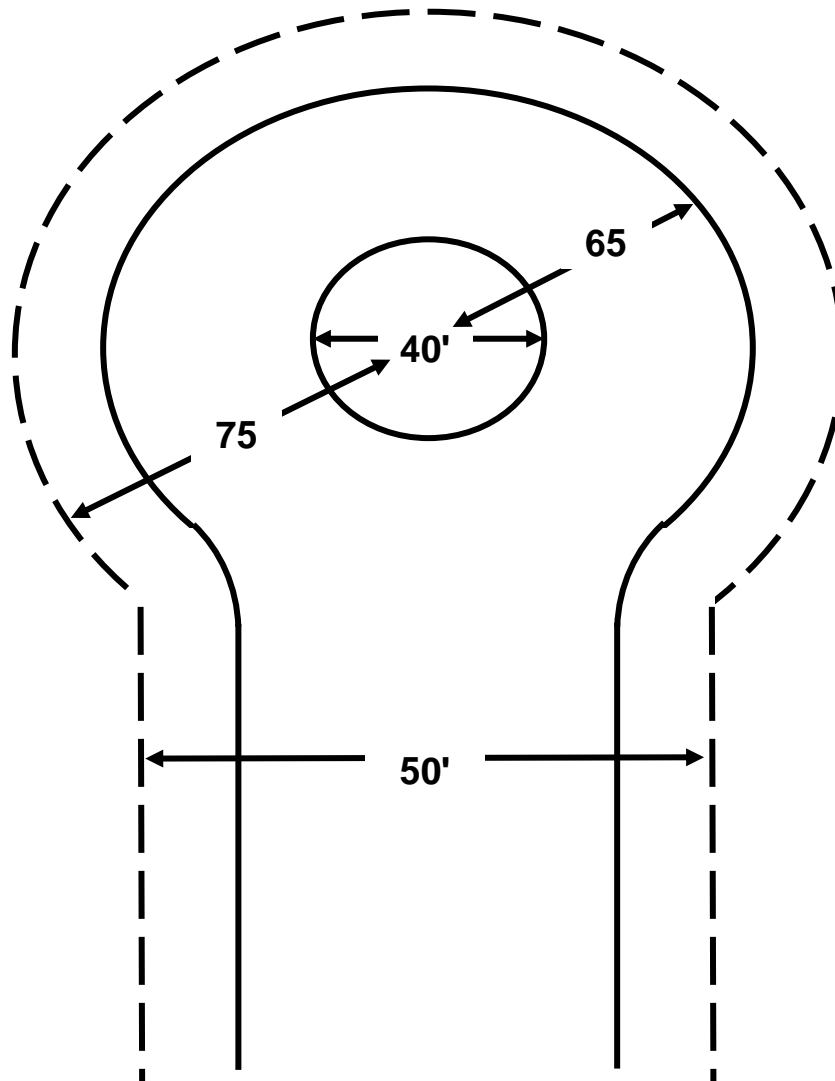
Safe Sight Distances	
Highway Speed (MPH)	Minimum Sight Distance (Feet)
20	155
25	200
30	250
35	305
40	360
45	425
50	495
55	570
60	645
<i>Source: MDOT Access Management Standards</i>	

- B. The applicant shall agree that the thirty (30) feet of the proposed road closest to the public road shall be constructed with at least eighteen (18) inches of gravel base and twelve (12) feet of traveled way to support emergency vehicles. The same thirty (30) feet of the proposed road shall also have a graded road crown of quarter (¼) inch per foot such that drainage will neither erode the proposed road nor wash directly onto the public road. If possible, the proposed road should be constructed so that at least the two (2) feet closest to the intersection continues the slope created by the crown of the public road being entered to keep drainage from damaging the public road. This section to be paved.
- C. The applicant shall agree to purchase and install adequate culverts as directed by the Road Commissioner.
- D. Roads and right of ways over 300 feet long must have an adequate place for emergency vehicles to turn around. Specifications for allowable turnarounds is below.
1. Hammerhead Turnarounds: The hammerhead turnaround is required in all instances unless there is written permission from the Road Commissioner and a review by the Fire Rescue Chief. The hammerhead turnaround shall be at least 65 feet and not more than 85 feet from the end of the street or road. The traveling surface, paved or gravel, portion shall extend the distance of 40 feet at a 90-degree angle (90°) to the road upon which it is constructed. In addition, paved or gravel surfaces must follow the specifications as listed in Section 6.5. Any hydrants or utilities proposed in the turnaround must be approved by the Fire Rescue Chief and the Road Commissioner. It shall conform to all road construction standards. See the below diagram:



Dimensions shown are from curb face to curb face. The total size of the street tract will vary, to accommodate setbacks, sidewalks, street trees, stormwater facilities, and any other right of way elements.

2. Cul-de-sac Turnarounds: If allowed by the Road Commissioner and reviewed by the Fire Rescue Chief, a Cul-de-sac turnaround can be installed. The property line must have 75-foot radii; the outer edge of pavement or gravel must be 65-foot radii; and the center of the cul-de-sac must have 40-foot radii. All specifications listed in section 6.5 must be followed. Utilities are prohibited from being installed in the center of the cul-de-sac if alternative installation can be provided. Any hydrants or utilities proposed in the turnaround must be approved by the Fire Rescue Chief and the Road Commissioner. See the below diagram.



**UTILITIES ARE PROHIBITED FROM BEING INSTALLED
IN THE CENTER OF THE CUL-DE-SAC IF
ALTERNATIVE INSTALLATION CAN BE PROVIDED**

SPECIFICATIONS (RADII):

PROPERTY LINE: 75'

OUTER EDGE OF PAVEMENT OR GRAVEL: 65'

INNER EDGE OF PAVEMENT OR GRAVEL: 40'

RIGHT OF WAY: 50'

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- E. The angle of intersection with the public road must be as close to 90 degrees (90°) as possible, but never less than 60 degrees (60°).
 - F. Erosion and sedimentation must be effectively prevented during and following construction. The acceptability of proposed and employed methods will be judged utilizing the Maine Erosion and Sedimentation Control Handbook for Construction, Best Management Practices published by the Cumberland County Soil and Water Conservation District, and the Maine Department of Environmental Protection.
 - G. For roads servicing any permanent, year-round structure, it is recommended that roads and right of ways over 300 feet long have a twelve (12) foot traveled way and a sixteen (16) inch gravel base to facilitate emergency vehicle access. This standard will generally be required as a condition of subdivision approval, although the Planning Board, at its discretion, may accept a waiver from the Fire Rescue Chief as evidence of adequate emergency vehicle access.

If this standard is not met, the applicant must either:

1. Obtain a Waiver: Apply for an emergency vehicle access evaluation at the Code Enforcement Office. A fee shall be assessed for an emergency vehicle access evaluation. Upon receipt of an application, the Code Enforcement Officer shall notify the Fire Rescue Chief, who shall contact the applicant to make a site visit appointment. The Fire Rescue Chief will inspect the site and or proposed road design and may approve a waiver from the travel way and gravel base standards if the proposed road design is adequate for emergency vehicle use; or
 2. Acknowledge Added Risk: Sign a statement acknowledging that emergency vehicle access may be impossible, involving above average risk to life and property.
- H. Existing roads connecting with town roads that are to be paved, widened or altered in grade or drainage, the Road Commissioner shall conduct a site visit of the property and issue a road permit if the provisions of this section have been met.
 - I. Roads accessing Route 115, 9, 231, and the North Road from Route 9 to the Town of Yarmouth town line. The MDOT regulates the sight distance and culvert requirements. The town Road Permit will be granted based upon satisfying this section of this Ordinance and written approval from MDOT.

7.6 Road Permit Denial

Right to Appeal - If any of the applicable conditions are not met, the Road Commissioner shall deny the Road Permit application. If the applicant feels that the Road Commissioner has erred in his or her interpretation of this Ordinance, the applicant may file an administrative appeal with the Board of Appeals within thirty (30) days of the denial.

7.7 Inspection

The applicant will notify the Road Commissioner at least 24 hours before construction so that an inspection may be made both during and after construction to confirm adherence to permit requirements.

7.8 Temporary Road Entrance Permit (Less than 12 months)

- A. Prior to initiating construction of a temporary road, driveway or entrance for construction, forestry, or other temporary uses, that intersects with a town road, a permit is required. A person must obtain the permit application from the Road Commissioner or Code Enforcement Officer.
- B. Projects entering Routes 115, 9, 231, and North Road from route 9 to the Town of Yarmouth town line need to contact the MDOT (Scarborough office) prior to construction.
- C. At no time will the entrance be in place more than 120 days, an extension can be granted by the Road Commissioner for good and just cause but never over twelve (12) months. After twelve (12) months, a Road Entrance Permit is required per this Ordinance.
- D. Road Commissioner and or Code Enforcement Officer will inspect all temporary road entrances before a permit is issued. The Road Commissioner will inspect during the use period for any problems that may arise. The applicant will agree to repair, clean up, remove or make adjustments as required by Road Commissioner and or Code Enforcement Officer.
- E. All temporary entrances must abide by sight distance requirements defined in this Ordinance for road entrance permits for new roads as defined in section 7.5.
- F. All entrances shall be built to withstand the heaviest load expected, as to not damage the town road. The permit holder is liable for repairs resulting from damage to the road from temporary entrances.
- G. A permit holder shall provide a culvert as required by the Road Commissioner.
- H. Permit holders are required to protect the street from excess dirt, mud, or other debris from being tracked onto the traveling road surface. It is the permit holder's responsibility to keep the road clear of soil and debris.
- I. Permit holders shall remove entrances at the end of the project and return road and the right of way to the previous condition before the project.
- J. The applicant will bear all costs associated with the entrance.
- K. The application must be a form provided by the Town.
- L. The applicant is required to provide the following information:

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1. Name, address, and contact number of the applicant, and an alternate contact person, and number.
 2. Name of the property owner of record.
 3. Reason for the need of temporary road entrance and anticipated use and weight of vehicles anticipated to use the entrance.
 4. Erosion control measures needed.
 5. Length of time anticipated for temporary entrance.
 6. Certificate of insurance, if not the property owner.
- M. If the Town is required to clean road surface or other repairs to road resulting from a temporary road entrance, 120% of the cost will be assessed to the permit holder.
- N. If entrance needs to be removed by the Town, 120% percent of the cost will be assessed to the permit holder.

SECTION 8: RIGHT OF WAYS

8.1 Private Improvements in the Right of Way

- A. The Town right of way is property along either side of any Town maintained road, street, or way. This area is reserved for or dedicated to road purposes. It must be kept clear for pedestrian, bicycle, or motorist safety, and to ensure road maintenance crews have room to work.
- B. Residents who live on Routes 9, 115, 231, and the North Road from Route 9 to the Town of Yarmouth town line, need to contact MDOT (Scarborough office), for right of way information.
- C. Any structures, landscaping features, fences, gates, irrigation systems, dog containment wires, mailboxes and posts, lighting systems, signs, and decorative features placed in and along the right of way of any town road, street or way shall be at the sole risk and liability of the property owner who causes or is benefited by such a structure or features.
- D. Any structures or features that may be considered a deadly fixed object and violates Maine law Title 23 M.R.S. § 1401-A when the Town sees this type of installation or violation, the owner will be informed, and immediate removal will be requested. If the property owner does not comply with the request, the Town may remove the installation and seek reimbursement from the property owner for all costs.
- E. No such structure or features shall be placed except in accordance with all applicable standards and permitting requirements of the Town codes, (Land Use Zoning, Site Plan Review, Right of Way, Fee Schedule, and all required building codes).

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- F. The Town assumes no liability or responsibility for damages to such structures or features due to standard construction, paving, maintenance, plowing, sweeping, striping and painting, cleaning or utilization of the right of way.
 - G. The Town assumes no liability to motorists, pedestrians, or others for any injury or damage caused directly or indirectly by such structures or features.
 - H. The property owner who causes or benefits by the placement of such structure or feature agrees to remove such structure or feature at his/her own expense within 72 hours of notice to remove for the purposes of road, utility drainage or sidewalk construction, repair or maintenance undertaken, or commissioned by the Town.
 - I. No structures, features, debris, rocks, rip-rap, leaves, brush, dirt, fill, shall be placed in the right of way to block, divert, change course, fill, or dam any ditch, drain, or to interrupt storm water flow.
 - J. No water shall be purposely or unintentionally allowed to flow from private property onto the right-of-way or traveling road surface.
 - K. The Town right of way width on town roads, streets and ways are not the same for all streets. Contact should be made to the Road Commissioner before any private encroachment is made in the right of way. In the event of a dispute of boundary, only a licensed Maine surveyor acceptable to the Town can determine the property line and right of way boundary. The cost to be the responsibility of the party placing the structure or feature into the right of way.

8.2 Temporary Signage in the Right of Way

Title 23 M.R.S. § 1913-A of Maine State Law places a twelve (12) week per calendar year restriction on the placement of temporary signs in a public right of way. Effective June 17, 2020, placement of these signs is restricted to no more than six weeks from January 1st to June 30th and no more than six weeks from July 1st to December 31st.

- A. Similar signs cannot be placed within 30 feet of each other.
- B. All signs must include or be marked with the name and addresses of the individual or organization that placed the sign within the public right of way and the date the sign was erected.
- C. The Town may remove nonconforming signs on a town way or a state or state aid highway in an urban compact zone. This includes any utility pole on the right of way.
- D. Maine DOT may remove nonconforming signs on state or state aid highway (not inside a compact area).

SECTION 9: STREET OPENINGS AND CULVERTS

9.1 Provisions

- A. To protect the safety of the traveling public and the infrastructure from adverse impacts by ensuring all work in town streets and rights of way are correctly constructed, the right of way is not encroached upon and allow maintenance crews room to work.
- B. The provisions of this section apply to any excavation, construction, building, filling, or installation work, above or below ground, which occurs in a public street, public sidewalk, right of way or drainage way or other property owned or maintained by the Town. A permit is required for such work. Except as follows:
 - 1. Town Projects: Work undertaken by the Town, or by others working under the direction of the Town, shall not be required to obtain a permit, but shall be required to meet or exceed the general provisions and the construction specifications contained in this Ordinance.
 - 2. Work in Advance of a Road Repaving or Reconstruction: Before a town road is repaved or reconstructed, it is desired that any utility repairs, improvements, extensions, or upgrades be completed in advance to minimize the future need to cut into the road afterward. The Town shall provide a minimum of sixty (60) days advance notice to all utilities, which are known to have underground infrastructure within the right of way. Upon receipt of such notice, the utility shall be authorized to prepare its infrastructure without being required to obtain a permit. All such work shall be required to meet or exceed the construction specifications contained in this Ordinance, but finish paving by the utility shall not be required.
 - 3. Work on Utility Service Lines: Except along MDOT roads, where MDOT rules must be followed, utility providers may work on underground service lines between their mains and buildings served without being required to obtain a permit. Provided no such work disturbs the surface or subsurface of a public road or sidewalk or impacts any Town drainage infrastructure. All work shall be required to meet or exceed any applicable specifications contained in this Ordinance. At least three (3) days before commencement of such work, the utility provider shall provide to the Road Commissioner a completed street opening application form as advance notification to the proposed project. Approval of the permit shall not be required except when the Road Commissioner determines there is an unusual situation that requires a permit.

9.2 Street Openings

- A. Permit Required: A Street Opening Permit shall be obtained from the Code Enforcement Officer or Road Commissioner before creating any opening in any public street, sidewalk or right of way.
- B. Winter Permits: No street opening permits will be issued for work between November 15th in any one year and April 1st of the following year. The Road Commissioner may make exceptions to accommodate emergencies or to accommodate projects which may be scheduled to avoid summertime construction and traffic disruption.

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- C. Utility Emergencies: In the case of an emergency involving a utility, the utility may excavate without a Street Opening Permit. However, the utility shall be responsible for obtaining a permit as soon as possible after the emergency and before the excavation is permanently resurfaced.
- D. Dig Safe: Before all excavations, the applicant must call the 811 DIG SAFE call center in compliance with Title 23 M.R.S. § 3360-A.
- E. Financial Security: The Road Commissioner shall require the applicant to post in advance, a bond, secured letter of credit, or cash for a project which will cost \$50,000 or more or when blasting is proposed. The Town and the Yarmouth Water District shall be exempt from this requirement. The amount of the security shall be equal to 125% of the cost of all work, which would be necessary for the Town to repair the infrastructure completely in the event the applicant fails to fulfill their responsibility at any point in the project. The purpose of the financial security shall be to guarantee the proper completion of all work and protection of Town infrastructure. When posted, the value of the security may be reduced during the project, but not less than 125% of the cost of the remaining work. The balance shall be retained until the final inspection of all work is complete. The Town Manager and Select Board shall be solely responsible for reductions and releases of all financial securities.
- F. Traffic Control: All work-zone traffic control applications and traffic control devices shall conform to the latest edition adopted by the State of Maine of the MUTCD, Part 6, when used on any street or road open to public travel. Only traffic control devices including signs, barricades, vertical panels, drums, warning lights, arrow boards, changeable message boards, cones, and tubular markers that meet the requirements of the American Traffic Safety Services Association (ATSSA), Quality Standard for Work Zone Traffic Control Devices shall be used. Detour and road closures must comply with section 4.6 of this ordinance.
- G. State Laws: Actions pursuant to this Ordinance shall be consistent with provisions of State law. Specifically, M.R.S. Title 23 § 3351.

9.2.1 Standards

A. Responsibilities of the Applicant

The applicant shall be responsible for preparing and submitting to the Road Commissioner an application for the proposed street opening. The application shall:

1. Be a form provided by the Town and available from the Code Enforcement Office.
2. State street name and location of the opening and contractor doing the work.
3. Purpose of the street opening and show the physical extent of the excavation.
4. Fee application applies; this fee shall not apply to the Town or the Yarmouth Water District.

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5. Provide a plan with material specifications for filling and resurfacing the street opening to demonstrate compliance with the construction specifications of this Ordinance.
 6. Specifies the time frame for work.
 7. A detailed plan for traffic control and protection of the public's safety during the project.
 8. Obtaining any other required permits.
 9. Provide financial security, if required.
 10. Provide other information relevant to the application.
- B. The applicant shall be responsible for completing all work in accordance with the Street Opening Permit obtained pursuant to this Ordinance. All costs are the responsibility of the applicant.
- C. The applicant shall be responsible for maintaining the temporary surface and keeping it safe for travel until permanent resurfacing is completed. If it is not possible to maintain the temporary surface in a condition safe for all modes of travel, the applicant shall establish and maintain barriers and warning devices.
- D. The applicant shall notify the Road Commissioner at least two (2) business days prior to the installation of permanent pavement. The Road Commissioner may allow less advance notice on a case-by-case basis, particularly following an emergency utility repair.
- E. The applicant shall be fully responsible for correcting any deficiencies identified by Town inspection. All costs are the responsibility of the applicant.
- F. The applicant shall guarantee the quality of their work and materials for two (2) years following the completion of the original work, or until the Road Commissioner issues a written acceptance of the repairs, whichever occurs earlier. At any time during the guarantee period, the applicant shall excavate, refill, and or resurface the area as directed by the Road Commissioner to remedy the defects. The applicant shall be given a reasonable amount of time to perform this work, and if they fail, then it shall be performed by the Public Works Department. The applicant shall be responsible for the full cost of such repair work, plus a surcharge if completed by the Public Works Department. Any disturbed paint markings, yellow center, white fog lines, crosswalks, or other street markings must be meet replaced and meet the MUTCD guidelines.

9.2.2 Responsibilities of the Road Commissioner

- A. The Road Commissioner shall be responsible for reviewing and deciding on each Street Opening Permit application received within ten (10) business days of receipt. The Road Commissioner shall have the authority to apply engineering expertise and judgment in determining the most appropriate standards and conditions to protect the

integrity of the public street. Each decision regarding a Street Opening Permit application shall be made in writing and shall detail the requirements to be met by the applicant. Only written requirements specified as part of the permit shall be binding on the applicant.

- B. The Road Commissioner shall be responsible for obtaining independent expert technical assistance when found necessary to protect the public interest. Also, if determined, to acquire a reimbursement from the applicant for the Town's cost to obtain independent expert assistance prior to the issuance of a Street Opening Permit.
- C. The Road Commissioner shall be responsible for inspecting and approving all work completed pursuant to a street opening permit.
- D. If permanent resurfacing is not completed by the applicant within six (6) months of the back-filling the excavation, the Road Commissioner may initiate the permanent repairs and assess the applicant for 125% of the cost of such work. Before such a deadline, however, the applicant may request a time extension for a good cause.
- E. The Road Commissioner is responsible for ensuring the long-term acceptability of repairs. The Road Commissioner may inspect the repairs at any time and shall inspect the repairs between one (1) and two (2) years of completion of the original repairs. The Road Commissioner shall take action in accordance with the following:
 - a. If at any inspection, the Road Commissioner deems the repairs inadequate, shall specify work required to fix the deficiencies and shall determine a reasonable amount of time for the applicant to correct the deficiencies. Lacking a sufficient response by the applicant, the Road Commissioner shall be authorized to undertake such work and bill the applicant for 125% of the full cost of such work.
 - b. Between one (1) and two (2) years, the Road Commissioner shall inspect the repairs and make a final determination about adequacy. If the repairs are not acceptable, the Road Commissioner shall follow subsection (a) above. If the repairs are acceptable, the Road Commissioner may issue a written acceptance of the repairs. Failure to issue this acceptance within the two (2) years shall constitute acceptance by default. Acceptance by either means shall terminate the applicant's responsibilities for guaranteeing the repair work.

9.2.3 Construction Specifications

The Road Commissioner shall ensure that construction pursuant to this Ordinance complies with the following three (3) standards plus trench detail. Exceptions to these standards may be allowed by the Road Commissioner for a good cause, consistent with the need to exercise good engineering practice and judgment.

- A. Excavation: The following standards shall apply:
 - 1. Existing pavement in the trench area to be excavated shall be neatly cut with a pavement saw before the trench is excavated.

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2. Disturbed non-paved shoulder areas shall be restored with $\frac{3}{4}$ inch crushed gravel compacted to a depth of no less than eight (8) inches or match the existing depth of shoulder gravel if greater than eight (8) inches. And two (2) feet wide or greater to match existing shoulder and compacted with a vibratory compactor.
 3. Materials excavated from trench will be used whenever possible to back-fill trench up to eighteen (18) inches below the pavement or six (6) inches below vegetated. Materials will be compacted in lifts, pursuant to the specifications of the vibratory compaction equipment being used. All back-fill materials will be compacted.
 4. Disturbed grass and rough areas will be restored with loam placed six (6) inches deep and compacted with roller, seeded, and mulched.
 5. Disturbed roadway areas will be restored with a four (4) inch crushed gravel base placed no less than fourteen (14) inches deep or more to match the existing road base gravel. With six (6) inches of one and one-half ($1\frac{1}{2}$) crushed gravel below the pavement layer. All gravel to be compacted in two (2) or more lifts, pursuant to the specifications of the vibratory compaction equipment being used.

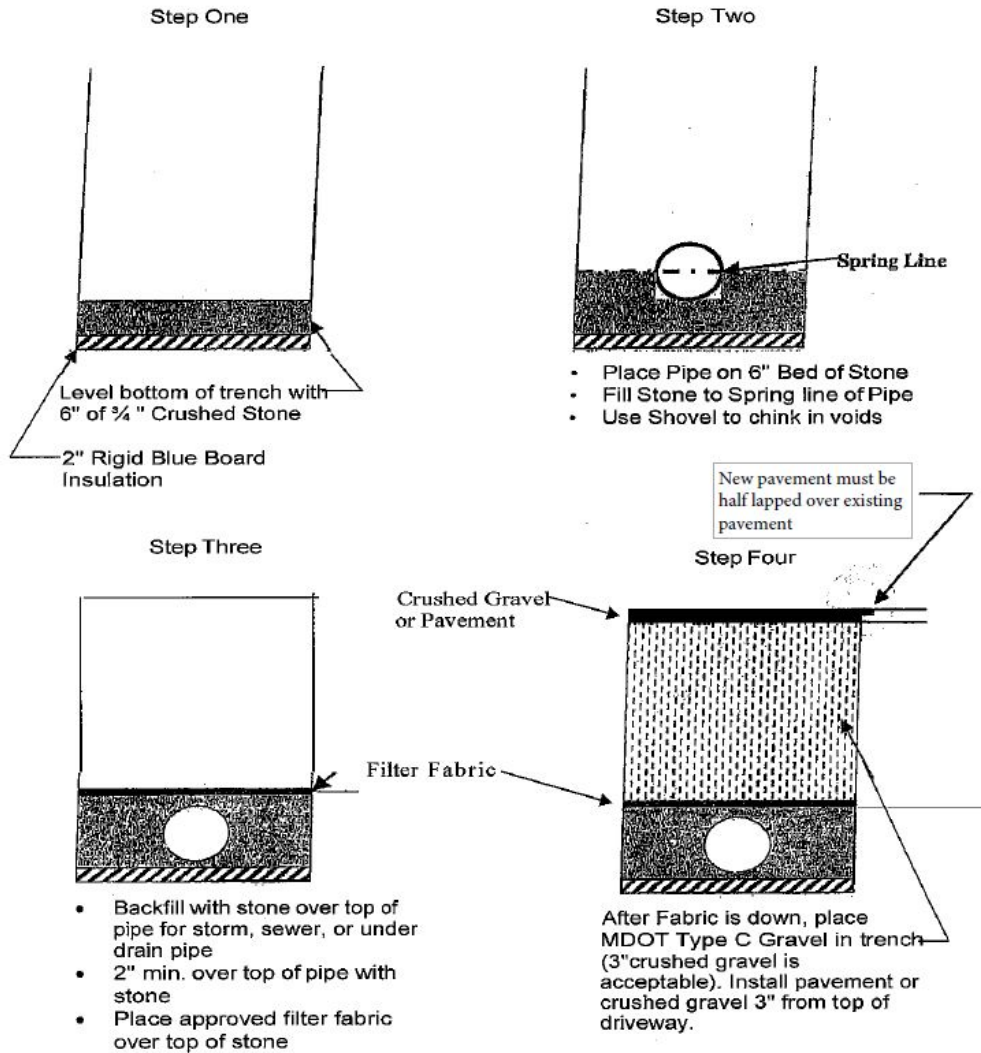
B. Paving: The following standards apply:

1. Excavated trench pavement may be patched temporarily with four (4) inches of cold patch until the permanent surface is in place.
2. Prior to paving the pavement around the excavated trench shall be cut back an additional twelve (12) inches on all sides, the edges of the pavement cut shall be tack coated before the finished pavement is placed.
3. Roadway pavement joints shall not be stacked. Existing pavement surface will be milled to a depth of one and one-fourth ($1\frac{1}{4}$) inch roughly six (6) inches from the base joint and paved with hot mix asphalt designed for surface applications. All lifts and edges will be tack coated.
4. The excavated pavement surface will be paved with a minimum of four (4) inch hot mix asphalt placed and compacted in two lifts. Tack coat shall be used on all lifts and exposed pavement edges.
5. Removed shoulder and sidewalk pavement areas shall be paved with a minimum of two (2) inches of hot mix asphalt placed and compacted in two lifts; tack coat on all lifts and exposed edges.
6. The applicant shall notify the Road Commissioner at least two (2) business days or as soon as possible during emergency repairs prior to the installation of the permanent pavement installation to ensure the Road Commissioner has the opportunity to see the work before paving begins.

C. Accounting for Existing Road Conditions:

Many older public roads were not constructed to standards now in effect or are in poor condition. Standards may be varied on a case-by-case basis to account for local conditions, as when working in a road which was built to lesser standards or which is in poor repair, or when other unusual conditions are encountered. Such as pavement as thin as two (2) inches and thick as twenty (20) inches, it is also important to avoid paving patch seams with wheel ruts or other such factors.

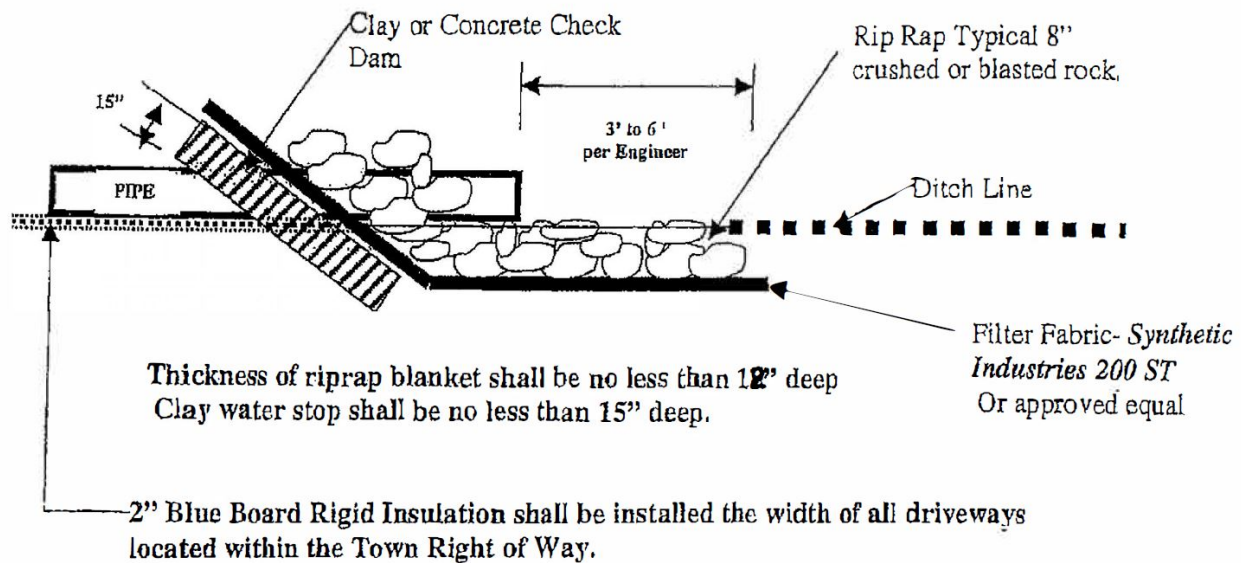
D. Trench Detail:



9.3 **Culverts - General Provisions**

A. Permit Required: A Culvert Installation Permit shall be obtained from the Road Commissioner prior to installing a culvert in or adjacent to any Public street, Public sidewalk, Public right of way, or Public drainage easement. If the culvert installation requires excavation through a public street or sidewalk, a Street Opening Permit shall also be required. All permits will be acted upon in accordance with the provisions of M.R.S. Title 23, Chapter 301 General Provisions.

- B. Failure to Provide a Proper Culvert: In instances where a public street, right of way or drainage ditch has been filled for entry to private property without the installation of a culvert or the installation of an inadequate size culvert, the Road Commissioner is hereby empowered to require a culvert of the proper specifications be installed by the property owner to accommodate appropriate stormwater management.
- C. Inadequate Performance: Any culvert installed pursuant to a Culvert Installation Permit, which contradicts the standards, terms, and conditions of the permit shall be removed by the property owner if so, ordered by the Road Commissioner.
- D. Culvert Size: The minimum required diameter of the culvert is fifteen (15) inches if under a driveway or eighteen (18) inches if under a road. The Road Commissioner shall have the authority to vary these minimums for a good cause.
- E. Driveway Bedding Requirements: The bedding requirements for all pipes are shown below. The culvert must have a clay check dam located at the inlet and outlet ends to prevent water from piping through the stone and potentially washing out the culvert. All driveway culverts are required to have two (2) inch blue board rigid insulation installed beneath the culvert and below the ditch line.



- F. Dig Safe: Compliance with Title 23 M.R.S. § 3360-A shall be required.
- G. Repair and or Replacement: There are two specific cases when the Town is responsible for repair or replacement of a culvert or entrance after installation:
1. When the Town undertakes a capital or ditching project that requires the replacement or relocation of a driveway culvert or entrance, the Town is responsible for culvert replacement and or relocation and driveway entrance restoration.

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2. When a natural event results in regional flooding and washouts, causing a culvert to fail and or a driveway to wash out the Town will reinstall or replace the culvert at the Road Commissioner's discretion to reestablish access to the private property on town roads.
 3. Culvert replacements not covered above are generally the responsibility of the property owner. Also, the property owner is responsible for driveway repairs to bumps, depressions, asphalt cracks that may develop over a culvert.

9.3.1 Standards

A. Responsibilities of Applicant:

1. The applicant shall be responsible for preparing and submitting to the Road Commissioner an application, available at the Code Enforcement Office, for the proposed culvert installation permit. These applications shall:
 - a. Be provided on a form provided by the Town.
 - b. Specify the diameter, length, type, and location of the proposed culvert.
 - c. Provide a drainage analysis from a registered State of Maine professional engineer if, in the opinion of the Road Commissioner, such an analysis is warranted to ensure culvert size, placement, and installation are sufficient.
 - d. Specify the expected timeframe for installation.
 - e. Describe the plan for traffic control and protection of public safety during installation.
 - f. Obtaining any other permits required.
 - g. Provide other information relevant to the application.
2. The applicant shall be responsible for completing all work in accordance with the Culvert Installation Permit obtained pursuant to this Ordinance. All costs are the responsibility of the applicant.
3. The applicant shall be fully responsible for correcting any damage caused to Town property identified by the Road Commissions through inspection. All costs are the responsibility of the applicant.

B. Responsibilities of the Road Commissioner:

1. The Road Commissioner shall be responsible for reviewing and approving each Culvert Installation Permit received. The Road Commissioner shall have the authority to apply engineering expertise and judgment in determining the most appropriate standards and conditions to protect the integrity of the public street. Each decision regarding a Culvert Installation Permit application shall be made in

writing and shall detail the requirements to be met by the applicant, only written requirements specified as part of the permit shall be binding on the applicant.

2. The Road Commissioner shall be responsible for obtaining independent expert technical assistance when it is believed necessary to protect the public interest and for obtaining reimbursement from the applicant for the Town's cost in obtaining such independent expert assistance prior to issuance of a culvert permit.
3. The Road Commissioner shall be responsible for inspecting all work completed pursuant to a Culvert Installation Permit and for identifying and ordering correction of any damage to Town property, which may have occurred as a result of the installation.

9.3.2 Violations

- A. The Road Commissioner shall be responsible for determining whether or not there is a violation of this Ordinance.
- B. Any time the Road Commissioner determines a violation exists, it shall be their responsibility to notify the responsible party and attempt to obtain corrective action cooperatively. If this fails, or if the violation poses an immediate threat to public health or safety, the Road Commissioner may issue a written notice of violation.
- C. Duration of the violation shall be once the Notice of Violation is received by the person and or firm violating the Ordinance, hereafter the violator, each day which the violation continues to exist, shall constitute a separate offense.

Section 10: WINTER OPERATIONS

10.1 Snow Removal from Private Property and placed on a Public Highway is prohibited.

No person shall place, plow, cause to be placed or plowed, or blow any snow or ice from private property into or on any public highway and leave same there to obstruct or hinder the movement of traffic on said highway.

The fact that snow or ice has been plowed from private property into or on a public highway and left thereon so as to obstruct or hinder the movement of traffic shall be clear evidence that the owner of said private property has caused same to be placed and left on said highway in violation of the provisions of this Ordinance.

Whoever violates the provisions of this Ordinance shall be subject to a fine for each offense in accordance with the Town fee schedule. Fines not paid are subject to be recovered on a complaint filed in the Maine District Court on behalf of the Town.

10.2 Winter Parking on Highways Regulated

The parking of vehicles upon any public highway that hinders the plowing of a highway street or way during the period from October 15th through April 15th is prohibited.

Any vehicles parked in violation of this Ordinance may be hauled away at the owner's expense.

Any vehicle parked in violation of this Ordinance shall be clear evidence of the unlawful parking of such vehicle by the registered owner thereof.

Whoever parks a vehicle in violation of the provisions of this Ordinance shall be subject to a to a fine for each offense in accordance with the Town fee schedule. Fines not paid are subject to be recovered on a complaint filed in the Maine District Court on behalf of the Town.

10.3 Shared Maintenance

A. Town of Pownal

1. Royal Road: The town line runs the center line of the road. The Town of North Yarmouth maintains the section that runs from Hallowell Road (Route 9) to the half-way point of the road. The Town of North Yarmouth provides year-round maintenance of this section. The Town of Pownal provides year-round maintenance from the half-way point of the road to Hodsdon Road; and maintains this section year-round.
2. Hodsdon Road: The Town of Pownal maintains this road.
3. West Pownal Road: The Town of North Yarmouth provides winter maintenance up until the intersection of Leighton Road.
4. Lawrence Road: The Town of Pownal provides winter maintenance of this road up until the intersection of West Pownal Road.

B. Town of Yarmouth

1. Ledge Road: The Town of Yarmouth does all maintenance of this road.
2. Mountfort Road: The Town of Yarmouth provides summer maintenance and paving of its section of the road. The Town of North Yarmouth provides winter maintenance of the road up until the intersection of Ledge Road.
3. Sligo Road: The Town of Yarmouth provides winter maintenance to the section of the road near the town line; winter maintenance only.

C. Town of Gray

1. New Gloucester Road: The Town of North Yarmouth provides winter maintenance to 1 Weather Lane, Gray, Maine where the National Weather Service is located. Winter maintenance of the section is also provided by the Town of New Gloucester. The Town of Gray has no access to this section of the road.

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- D. Sections of roads maintained by bordering towns within North Yarmouth may be governed by this Road Ordinance as well as any town policy. Any section of this Road Ordinance or town policy may apply at the discretion of the Road Commissioner. However, this section may not conflict with any other town ordinance or approval(s) made by the Planning Board.